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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,774	12/29/2003	Kristine B. Fuimaono	51638/AW/W112	6472
23363 7590 05/02/2007 CHRISTIE, PARKER & HALE, LLP PO BOX 7068 PASADENA, CA 91109-7068			EXAMINER BOUCHELLE, LAURA A	
			ART UNIT 3763	PAPER NUMBER
			MAIL DATE 05/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/747,774

Applicant(s)

FUIMAONO, KRISTINE B.

Examiner

Laura A. Bouchelle

Art Unit

3763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/3/05, 2/13/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 10, 11, 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Tu et al (US 5971968). Tu discloses a method for treating atrial fibrillation comprising the steps of inserting a rigid probe through the opening in the heart of a patient, ablating a lesion in the heart using a rigid probe 1 having an ablation electrode 11 at the distal end, the electrode having an opening 74 that allows irrigation fluid to flow through an infusion tube 54 and out of the electrode (Col. 3, lines 56-60, Col. 10, lines 23-27). Tu further discloses that the device comprises a hollow handle 6. Tu discloses that the probe has a temperature sensing means (Col. 4, lines 38-39).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 7, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tu in view of Alt (US 5411527). Claims 3,7,17 differ from Tu in calling for the probe to include a stiffening wire. Alt teaches a device for treating atrial fibrillation comprising a probe having a stiffening wire 30 that straightens and stiffens the tube sufficiently to be passed through a puncture in the chest wall (Col. 15, lines 37-42). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Tu to include a stiffening wire in the probe as taught by Alt so that the probe is straight and stiff enough to be inserted through a puncture in the chest wall.

5. Claims 4-6, 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tu in view of Alt as applied to claims 3 and 7 above, and further in view of Sterman et al (US 5682906). Claims 4-6, 14-16 differ from the teachings above in calling for the probe to be of a certain length. Sterman teaches a method for performing intracardiac procedures using a probe that is about 20 cm (7.87 inches) because that is the length allows the probe to reach the heart so that a procedure can be performed and is not so long that the physician has difficulty controlling it (Col. 24, lines 15-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Tu in view of Alt to be about 20 cm long as taught by Sterman so that the probe is of an appropriate length to treat the heart.

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6. Claims 8, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tu in view of Alt as applied to claim 3 above, and further in view of Lucas et al (US 5795332). Claim 8 differs from the teachings above in calling for the stiffening wire to be stainless steel. Claim 9 differs in calling for the wire to be a malleable material. Lucas teaches a catheter having a stiffening wire made of stainless steel (a malleable metal) to provide the desired rigidity to the catheter (Col. 6, lines 44-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Tu in view of Alt to have the stiffening wire made of stainless steel because it is well known in the art that stainless steel can be used to form stiffening wires.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A. Bouchelle whose telephone number is 571-272-2125. The examiner can normally be reached on Monday-Friday 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 517-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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Art Unit 3763

